



LEGISLATIVE FISCAL OFFICE  
Fiscal Note

Fiscal Note On: **HB 191** HLS 10RS 350  
Bill Text Version: **ENGROSSED**  
Opp. Chamb. Action:  
  
Proposed Amd.:  
Sub. Bill For.:

|                                       |         |                                   |
|---------------------------------------|---------|-----------------------------------|
| <b>Date:</b> April 8, 2010            | 8:23 AM | <b>Author:</b> PERRY, JONATHAN    |
| <b>Dept./Agy.:</b> Corrections        |         |                                   |
| <b>Subject:</b> Habitual Offender Law |         | <b>Analyst:</b> Matthew LaBruyere |

CRIMINAL/PROCEDURE

EG SEE FISC NOTE GF EX See Note

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Amends provisions of the habitual offender law

The present law provides for increased penalties for repeat or habitual offenders and provides that if the second felony is such that upon first conviction the offender would be punishable by imprisonment for any term less than his natural life, then the sentence to imprisonment shall be for a determinate term not less than one-half the longest term and not more than twice the longest term prescribed for a first conviction. The proposed legislation retains present law and provides that if the second felony and the prior felony are sex offenses or the prior felony would be a sex offense but the offense occurred prior to June 18, 1992, or conviction was obtained under the laws of any other state, the U.S., or any foreign government, the person shall be sentenced to imprisonment for determinate term not less than 2/3 of the longest sentence for the conviction and not more than three times the longest possible sentence prescribed for the first conviction, without the benefit of probation, parole, or suspension of sentence. It also repeals the use of juvenile adjudications of delinquency to be counted as predicate offenses for habitual offender law which were declared to be unconstitutional in the case of *State v. Brown*.

| EXPENDITURES   | 2010-11 | 2011-12 | 2012-13 | 2013-14 | 2014-15 | 5 -YEAR TOTAL |
|----------------|---------|---------|---------|---------|---------|---------------|
| State Gen. Fd. | \$0     | \$0     | \$0     | \$0     | \$0     | \$0           |
| Agy. Self-Gen. | \$0     | \$0     | \$0     | \$0     | \$0     | \$0           |
| Ded./Other     | \$0     | \$0     | \$0     | \$0     | \$0     | \$0           |
| Federal Funds  | \$0     | \$0     | \$0     | \$0     | \$0     | \$0           |
| Local Funds    | \$0     | \$0     | \$0     | \$0     | \$0     | \$0           |
| Annual Total   | \$0     | \$0     | \$0     | \$0     | \$0     | \$0           |

| REVENUES       | 2010-11 | 2011-12 | 2012-13 | 2013-14 | 2014-15 | 5 -YEAR TOTAL |
|----------------|---------|---------|---------|---------|---------|---------------|
| State Gen. Fd. | \$0     | \$0     | \$0     | \$0     | \$0     | \$0           |
| Agy. Self-Gen. | \$0     | \$0     | \$0     | \$0     | \$0     | \$0           |
| Ded./Other     | \$0     | \$0     | \$0     | \$0     | \$0     | \$0           |
| Federal Funds  | \$0     | \$0     | \$0     | \$0     | \$0     | \$0           |
| Local Funds    | \$0     | \$0     | \$0     | \$0     | \$0     | \$0           |
| Annual Total   | \$0     | \$0     | \$0     | \$0     | \$0     | \$0           |

EXPENDITURE EXPLANATION

There is no anticipated direct material effect on governmental expenditures as a result of this measure within the 5 year horizon. Any increase in state general fund expenditures would realized in FY 26 after an offender has served 14 years of a sentence and would otherwise be eligible for parole, assuming sentence length remains constant.

There would be no fiscal impact on state general fund expenditure until an offender has served 50% of his sentence. To the extent the offender is housed at the state level, each additional year served until the offender is released would increase the Department of Public Safety and Corrections expenditures by \$19,889 (\$54.49 per day x 365 days). In the event the offender is housed in a local facility the annual increase in costs would be \$8,902 (\$24.39 per day x 365 days).

There are currently 273 sex offenders incarcerated that are considered habitual offenders with an average sentence of 27.63 years. Under present law, offenders that serve 50% of their sentence could be released in 13.82 years after entering a facility. Under the proposed legislation, offenders would serve two-thirds or 67% of their sentence which would be 18.51 years. This would lead to an increased incarceration period of 5 years.

For illustrative purposes, if an offender serving a sentence of 27.63 years was eligible to be released in 13.82 years, but remained incarcerated for an additional 5 years or 67% of his sentence, the total increase in incarceration costs would be \$99,445 (\$19,889 per year x 5 years) at a state facility or \$44,510 (\$8,902 per year x 5 years) at a local facility.

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure within the 5 year horizon. Any decrease in self-generated revenue would be realized in FY 26, assuming sentence lengths remain constant. To the extent an offender remains incarcerated and is not eligible for probation or parole, the Department of Public Safety and Corrections cannot collect probation fees of \$50 per month or parole fee of \$53 per month.

Senate

☐ 13.5.1 >= \$500,000 Annual Fiscal Cost

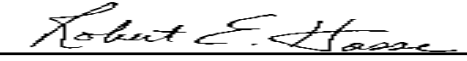
☐ 13.5.2 >= \$500,000 Annual Tax or Fee Change

Dual Referral Rules

House

☐ 6.8(F) >= \$500,000 Annual Fiscal Cost

☐ 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease



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LFO Staff Director